

CIA INTERNAL USE ONLY

5 September 1948

MEMORANDUM FOR: Mr. Warner

SUBJECT: Senate Resolution 338

1. This Resolution calls for an investigation of CIA for the purpose of determining whether it is properly performing its functions, with special regard to the Suez affair, the Nixon tour of South America, and the overthrow of the Government of Iraq. The Resolution calls for the investigation to be made by the Committee on Foreign Relations. It was introduced by Mr. Langer of that Committee and was referred to that Committee without protest.

2. The Resolution refers to Sections 134(a) and 136 of the Legislative Reorganization Act of 1946 and to Rule XXV of the Standing Rules of the Senate. All of these are appended.

3. Matters pertaining to the Agency have in the past been handled by the Committee on Armed Services, presumably because of the military origin of the Agency. It appears from Rule XXV that a reasonable argument could be made for bringing CIA affairs under the Foreign Relations Committee, but in view of the history of jurisdiction assumed by the Armed Services Committee this seems highly improbable. It is nevertheless surprising that this Resolution makes reference to, and has been referred to, the Committee on Foreign Relations without protest from a member of the Armed Services Committee.

4. Although there are certain parliamentary intricacies in the disposition of problems of reference to committees, basically the presiding officer decides the question of jurisdiction. A member may voice an objection to the reference and appeal to the house, and a vote is taken forthwith. Should the chair be overruled, it makes a new reference, again subject to appeal. This procedure meets the requirements of Section 137

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of the Legislative Reorganization Act, which reads:

"Sec. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal."

5. Why no protest to Senate Resolution 338 was registered at the time of introduction, and what the mind of the President pro tempore or the Senate as a whole might be on the occasion of the introduction of similar proposals in the future, are obviously matters of conjecture.

6. I have reviewed debates on a somewhat similar resolution which precipitated an appeal to the Senate some years ago. This and the material on this subject in "Senate Procedure" leads me to conclude that no inferences can be drawn from the fact that this Resolution was referred without protest. We shall watch with interest any further indications of assertion by the Foreign Relations Committee of jurisdiction over CIA affairs.

Office of General Counsel

OGC:HRC:bb

Distribution:

✓ Subject
Signer
Chrono

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STANDING RULES OF THE SENATE

RULE XXV

Standing Committees

(c) Committee on Armed Services, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Common defense generally.
2. The War Department and the Military Establishment generally.
3. The Navy Department and the Naval Establishment generally.
4. Soldiers' and sailors' homes.
5. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
6. Selective service.
7. Size and composition of the Army and Navy.
8. Forts, arsenals, military reservations, and navy yards.
9. Ammunition depots.
10. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
11. Conservation, development, and use of naval petroleum and oil shale reserves.
12. Strategic and critical materials necessary for the common defense.

(1) Committee on Foreign Relations, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary lines between the United States and foreign nations.
4. Protection of American citizens abroad and expatriation.
5. Neutrality.
6. International conferences and congresses.
7. The American National Red Cross.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquisition of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
12. United Nations Organization and international financial and monetary organizations.
13. Foreign loans.

60 Stat. 831

COMMITTEE POWERS

Sec. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of \$10,000 for each committee during any Congress) as it deems advisable. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding 25 cents per hundred words. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

Sec. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

85TH CONGRESS
2D SESSION

S. RES. 338

IN THE SENATE OF THE UNITED STATES

JULY 22, 1958

Mr. LANGER submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

1 *Resolved*, That (a) the Committee on Foreign Rela-
2 tions, or any duly authorized subcommittee thereof, is au-
3 thorized and directed under sections 134 (a) and 136 of the
4 Legislative Reorganization Act of 1946, as amended, and in
5 accordance with its jurisdiction specified by rule XXV of the
6 Standing Rules of the Senate, to make a full and complete
7 study and investigation of the Central Intelligence Agency
8 with a view to ascertaining whether that Agency is properly
9 performing its functions and, particularly, whether it has
10 failed to detect or to be aware of the circumstances which
11 led to (1) the Suez crisis, (2) the difficulties encountered
12 by Vice President Nixon during his recent visit to South

1 America, and (3) the assassination of King Faisal of Iraq
2 and the overthrow of his government.

3 (b) The committee shall report to the Senate at the
4 earliest practicable date the results of its study and investi-
5 gation, together with such recommendations as it may deem
6 advisable.

7 SEC. 2. For the purpose of this resolution, the com-
8 mittee, from the date on which this resolution is agreed to,
9 to January 31, 1959, inclusive, is authorized (1) to make
10 such expenditures as it deems advisable, and (2) to employ
11 on a temporary basis technical, clerical, and other assistants
12 and consultants.

13 SEC. 3. The expenses of the committee under this res-
14 olution, which shall not exceed \$, shall be paid from
15 the contingent fund of the Senate upon vouchers approved
16 by the chairman of the committee.

85TH CONGRESS
2d Session

S. RES. 338

RESOLUTION

To investigate the Central Intelligence Agency.

By Mr. Langer

JULY 22, 1958

Referred to the Committee on Foreign Relations

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TRANSMITTAL SLIP		DATE 29 July 1958
TO: <input type="text"/>		
ROOM NO.	BUILDING	
REMARKS: <p>Would you please take a look at S. Res. 338 and the laws and rules that the Senate mentioned with a view of determining if the Foreign Relations Committee has proper jurisdiction. You might chat with me before you do a final draft.</p> <div style="text-align: right;"> <input type="text"/> JOHN S. WARNER <input type="text"/> </div>		
FROM: Legislative Counsel		
ROOM NO.	BUILDING	EXTENSION

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FORM NO. 241
1 FEB 55

REPLACES FORM 36-B
WHICH MAY BE USED.

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